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November 13, 2020

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: United States v. Shevah Yarde  
Ind. No. 06 CR 593 (SHS)

Dear Judge Stein:

This letter is respectfully submitted to request that the Court approve an early termination of Shevah Yarde's term of supervised release. The government defers to probation. Mr. Yarde's probation officer, Jason Lerman, has no objection.

Background

Mr. Yarde was arrested on July 24, 2006 on the filing of an Indictment that charged a conspiracy to distribute 50 grams or more of crack cocaine in Count 1, and possession of a firearm in relation to the conspiracy in Count 2. He pled guilty to both counts on February 29, 2008. He was sentenced on July 18, 2008 to the minimum permitted by statute: 120 months on count 1 and 60 months on count 2 to run consecutively, for a total of 180 months. The sentence also provided for a term of supervised release of 5 years on Count 1 and 3 years on Count 2 to run concurrently.

The First Step Act provided retroactive relief in 2018. With the recalibration of crack cocaine under both the Fair Sentence Act and the First Step Act, the quantity of crack cocaine attributed to the defendant would have subjected him to, not a 10-year, but a 5-year mandatory minimum sentence in Count 1, and a guidelines range significantly under the 10 year mandatory minimum. Mr. Yarde already had served approximately 150 months of that sentence when the First Step Act was enacted in 2018.

On January 22, 2019, a motion was filed on Mr. Yarde's behalf requesting the Court resentence Mr. Yarde to time served pursuant to the First Step Act. In support of that motion we noted that Mr. Yarde had made good, productive use of his time in prison. Mr. Yarde completed no less than 20 education courses for which Certificates of

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Achievement or Certificates of Completion were awarded while serving his sentence in the Bureau of Prisons. They demonstrated his growth, progress and proof of his rehabilitation. He was a model prisoner with the exception of one minor infraction for which no penalty was given. He stayed out of trouble, and focused on how to be a productive member of society.

In addition we noted in connection with the motion for resentencing that Mr. Yarde was diagnosed at the end of October of 2011 with "stage II ALK – anaplastic large cell lymphoma." Mr. Yarde underwent rounds of chemotherapy at the Bureau of Prisons medical facility in Butner, North Carolina where he was re-designated since his diagnosis. His treatment succeeded and the cancer has been in remission. Nevertheless, the near death experience has been sobering to say the least. There can be little doubt that the experience figured prominently in Mr. Yarde's determination to turn his life around.

Additionally, in support of the resentencing motion filed in early 2019, Mr. Yarde's own words spoke to his rehabilitated nature. Those words bear repeating because they still resonate today.

I have been through a lot over the years. My girlfriend who I was living with at the time of my arrest passed away in a tragic fire. She is listed in my PSR as such. My grandfather, then my grandmother both from my father's side passed away. My co-defendant Jason Walton's mother passed away. She was like my 2<sup>nd</sup> mother. I called her mom. She raised me as well. I'm in remission now, but I had a hard bout with cancer. I underwent chemotherapy as well as radiation treatment. A few months after being declared in remission, I was hospitalized due to a blood clot. A complication from a port that was left in my chest that was used to give me the chemo. The Dr. said I almost lost my arm or my life. So that was 2 life threatening experiences back to back. That shows me tomorrow is not promised. Thank God I'm still in remission and I pray it doesn't come back like too many others have... I have already completed 150 months on a 180 month sentence. I think I served enough time...For me, any day out is better than a day in and I pray to get out as soon as possible. Thank you again for helping me in all the ways you have done.

The Court granted the motion to be resentenced to time served at oral argument on February 22, 2019 and entered an Order to that effect on February 25, 2019. Mr. Yarde was released from custody on March 4, 2019 pursuant to the Court's Order. He has been on supervised release since that date. It is obvious that he underwent a tremendous evolution even before his release from custody. He has continued on that journey since his release. He did not leave prison as the same person who entered when



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he was arrested in 2006. The person who was released really is no longer in need of supervision.

#### Current Status

Since his release Mr. Yarde has been living at home in Poughkeepsie, New York with his partner. He lives upstate in Dutchess County away from the environment where he found trouble as a young 26 year old. In June of this year he and his partner had a baby boy. Mr. Yarde also intends to adopt her 5-year old twins who he considers to be his own. They are an intact family unit. He has worked. He has volunteered his time. He has taken classes. He has stayed far away from trouble. He has been in compliance with the terms of supervised release, including all negative tests for illicit substances.

As soon as he was released from custody Mr. Yarde took a driver's ed class and a road test to get his driver's license. He then got a job at the Gap Warehouse in Fishkill. However, it was seasonal and part-time, so after one month he found a better paying job at the Martin Bower warehouse in Harriman. He worked there from June to August of 2019. In August of 2019 he started working at A2B Taxi in South Fallsburg, New York: another position with better pay. He worked there until March 20, 2020 when the business slowdown from the pandemic forced the company to let him go. A2B's letter is attached as Exhibit A.

At that point he received unemployment, but he did not remain idle. He obtained an OSHA 30 card that allows him to work in construction. He is studying for a Commercial Driver's License (CDL) so that he can go to work for a family friend who owns and operates an ambulette service. A copy of a letter confirming that opportunity is attached as Exhibit B. He also found work in September of this year making deliveries for Fresh Food Direct. On November 9, this Monday he was rehired by Gap Warehouse in Harriman, but as a full-time employee this time with a higher salary, and with a package of benefits. He continues to pursue options to climb the economic ladder, including opportunities where he would relocate to Connecticut or to Pennsylvania. As a person on supervision, his movement is subject to restriction and approval.

Mr. Yarde also had been volunteering at a food pantry from June of 2019 to April of 2020 when it temporarily closed due to the pandemic. A letter to that effect is attached as Exhibit C from the Vineyard International Christian Ministries Food Pantry.

Section 3564(c) of Title 18 reposes discretion with the Court, after consideration of the §3553(a) factors, to terminate probation and discharge a defendant after one year. Supervision imposes an unnecessary burden on Mr. Yarde. He cannot move, travel or make any significant changes in his life without the approval of his probation officer. The Supreme Court has recognized that probation is a substantial restriction of an

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individual's freedom. *Gall v. United States*, 552 U.S. 38, 48 (2007) and *United States v. Knights*, 534 U.S. 112, 119 (2001) ("Inherent in the very nature of probation is that probationers do not enjoy the absolute liberty to which every citizen is entitled.") (quoting *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987)).

Mr. Yarde now is over 40 years of age. He is a more mature, wiser man now. The young man that was Shevah Yarde no longer exists. He spent an extraordinarily long time in the custody of the Bureau of Prisons – a period that Congress rolled back in the First Step Act. He has paid his debt to society for his past and then some. He has earned this opportunity through his record of improvement and rehabilitation in and out of custody, through his steady job history and through his good works. On his behalf, Mr. Yarde respectfully submits that early termination from supervised release "is warranted by the conduct of the defendant and the interest of justice."<sup>1</sup>

Respectfully submitted,



Michael H. Sporn

MHS/ss

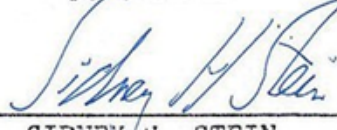
Cc: Daniel Wolf, Esq.

Jason Lerman, U.S.P.O.

The request for early termination of supervised release is granted based on Mr. Yarde's record and conduct.

Dated: New York, New York  
November 13, 2020

SO ORDERED

  
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SIDNEY H. STEIN  
U.S.D.J.

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<sup>1</sup> See 18 U.S.C. §3564(c).

## **EXHIBIT A**



5179 Main Street / PO Box 656

South Fallsburg, NY 12779

03/20/2020

Re: Shevah Yarde

To Whom it May Concern:

The current COVID-19 pandemic has led to a business slowdown and a lack of demand. Due to this we unfortunately are forced to terminate the above named employee at A2B Taxi. Please feel free to contact me if you have any further questions.

Sincerely,

Trevonne Gilliard, Owner

845-434-2822

## **EXHIBIT B**

**PSALM 91 TRANSPORT LLC**

Hyde Park, NY 12538

July 30, 2020

Re: Shevah Yarde

To Whom It May Concern:

Please be advised, upon completion of obtaining his CDL license, Shevah Yarde will be given an opportunity to work full-time with our organization. As he comes highly recommended, we are looking forward to working with him in the near future.

Please feel free to contact me with any additional questions or concerns.

Sincerely,

Yvette Stone-Miller  
Owner  
(845) 380-2357



## **EXHIBIT C**

July 24, 2020

RE: Shevah Yarde

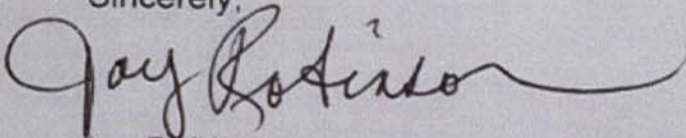
To Whom It May Concern:

My name is Joy Robinson and I'm writing to confirm that Mr. Shevah Yarde, is a volunteer at the Vineyard International Christian Ministries Food Pantry; I am the site's manager. The pantry is located at 1140 Teller Avenue, Bronx, NY 10456.

Mr. Yarde has been volunteering at the pantry from June 2019 until April 11, 2020. We are temporarily closed due to the pandemic. Mr. Yarde's duties were to help store and retrieve boxes in the storage room. He helped pack bags of food for distribution to the community. He helped to dismantle and tie up the boxes for pickup by sanitation. He also helped with the cleaning up at the end of the day. He volunteered on Saturdays from 10:00 a.m. until 2:00 p.m. He was of great assistance as it is mostly women volunteering in the pantry.

If further information is needed, please feel free to contact me.

Sincerely,



Joy Robinson  
718-662-4203